

**PLANNING AND ZONING COMMISSION  
MINUTES  
GENERAL MEETING  
SEPTEMBER 8, 2015**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Cameron, Cunningham, DiDonna, Olvany, Sini, Jr., Voigt

ARCHITECTURAL REVIEW BOARD MEMBERS ATTENDING:  
Lawrence, Brown, Castell, Gadsden, Geiger, Green, Hughes, Macdonald

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

Channel 79

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Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

**GENERAL MEETING**

**Informal discussion regarding the following (joint meeting with ARB)**

Federal Realty, Heights Road properties

Attorney Bruce Hill represented Federal Realty and introduced Patrick McMahon of Federal Realty and their Christopher Cole. Attorney Hill noted that in 2007 the previous owner of the property, Thomas Golden, started to consider redeveloping the Noroton Heights business area and discussed it with the Commission. By 2010, the Commission had adopted new regulations – the Noroton Heights Redevelopment overlay zone to allow a mixed use redevelopment. It would be less reliant of vehicular access and would emphasize pedestrian access and still protect the nearby single family residential neighborhood. Those new regulations have been adopted but have not yet been utilized by any property owner.

Christopher Cole said that they have been working on plans for 14 months and an important aspect has been the context of the neighborhood. Patrick McMahon said that Federal Realty is a commercial REIT (Real Estate Investment Trust) that has more 22,000,000 square feet of retail space across the country. They know the importance of ‘Place Making’ to help pedestrians relate to streets and buildings. Their developments often include programed outdoor activities in common areas. These include yoga classes, concerts and festivals. They like to have outdoor cafes for patrons. Their buildings are often LEED (Leadership in Energy and Environmental Design) certified. They sometimes have solar energy and/or community gardens. In the case of Noroton Heights, they will strive for upper level LEED certification.

Tim Mount of Federal Realty said that they will not create any new curb cuts on West Avenue because it is directly across the street from single family residences. They will create an open space accessible from Heights Road which will serve as a pedestrian gateway into the site. They will improve sightlines along streets and at street intersections. The plan will keep the Equinox and Citibank buildings and replace the other structures with new shops, stores, apartments, restaurants and offices. He showed a cross section view of a proposed building adjacent to West Avenue. It included a layer

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of basement level parking, a floor of retail stores and then three floors of residential apartments. The submitted concept plans indicate that the total commercial space would increase from 96,582 square feet to 128,331 square feet and that the number of residential units would increase from 2 to 90 units. On-site parking would increase from 547 spaces to 680 spaces. It was unclear if the outside cafés and other similar spaces were counted in the square footages of commercial space.

Craig Flaherty, P.E. of Redness and Mead said that everyone is aware that there has been a drainage problem in the area. He has reviewed previous studies and knows that they must deal with water quality and water volume issues. Their goal is to create on site storage capacity where possible to reduce the frequency and depth of flooding. He said that the site is 8.7 acres in size, but the drainage area leading to it is 116 acres. The railroad tracks restrict the flow of storm water. This has caused flooding on Heights Road. He will coordinate the drainage plans with the Darien Department of Public Works. They said that an anchor building will be along Heights Road, and Stop and Shop will be replaced with a smaller concept.

Traffic and parking issues were discussed. Federal Realty will coordinate their traffic studies with Tighe & Bond, the traffic consultant for the developer of the Palmer Site. Attorney Hill said that everyone will benefit from the redevelopment of the Noroton Heights business area that is a coordinated effort of the major property owners and the Town.

The P&ZC and ARB members thanked the representatives for the presentation. They will provide comments and reaction to Mr. Ginsberg who will communicate with Federal Realty. No action or vote was needed. The ARB departed the meeting room at 9:25 P.M.

At about 9:30 p.m., Chairman Cameron read the following agenda item:

**Town Plan of Conservation & Development.**

Discussion of “infrastructure-related” issues---Booklet #6  
Public input is welcome and encouraged.

Glenn Chalder of Planimetrics then reviewed Booklet #6—(possible Infrastructure Strategies for Darien). Mr. DiDonna noted that the Commission has recently heard informal development proposals from David Genovese regarding the Corbin Drive/Boston Post Road block, and both the Palmer family and Federal Realty regarding redeveloping Noroton Heights. That information should be incorporated into the Town Plan update. Mr. Chalder agreed, stating that Booklets 5B and 5C will be reviewed with the Commission at its September 29 meeting. He said that the Town Plan can be divided into three types of issues: Development Issues; Conservation Issues; and Infrastructure Issues. The goal of tonight’s discussion is to determine the strategic views the Town should be taking. Mrs. Cameron and Mr. Sini noted that there are some Town Hall space issues. Mr. Ginsberg added that Mr. Chalder has met individually with various facility managers throughout Town, in order to learn more about Town facilities and needs.

Mr. Cunningham said that one issue is whether Post 53 can continue to maintain its high level of service with additional population growth. Police, Fire, and EMS needs will increase over time. Mr. Chalder confirmed that the Town Plan is a roadmap. He said that he had interviewed Post 53 for feedback on the Plan. Mr. Olvany mentioned that Post 53 and the local fire departments may have

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similar issues. Mr. Chalder agreed that volunteerism needs to be monitored for both agencies. Mr. DiDonna mentioned that taller buildings could result in an increased need for fire training.

Mr. Chalder mentioned that the Darien Board of Education uses the highest of three available projections. Consideration needs to be given as to how to possibly update/upgrade the existing schools in Town. He said that the projections show a peak in enrollment in two years, then a slight decline after that. Mr. Olvany said that there have been a large number of “teardowns” in 2015.

Mr. Chalder then reviewed the recreation facilities, as noted on page 8 of the discussion booklet. He said that recreation needs have changed over time. Mr. Ginsberg said that the Town has recently purchased 4 Short Lane, and a consultant will soon be hired to begin a study of that property. Mr. Sini said that the Town still has a number of recreation needs (turf fields, lights, community pool), and that a pool still should be reviewed. Mr. Olvany said that recreation should have a yellow dot, not a blue dot, as certain parks are underutilized. Mr. Chalder said that on page 9, it is noted that the DPW garage has a yellow dot, since an addition has recently been programmed. Mr. Olvany noted that the back of the Leroy/West parking lot actually adjoins the DPW 126 Ledge Road property. Mr. Cunningham said that the fire training center at 126 Ledge Road should be included in the Town Plan as an asset.

Mr. Chalder said that on page 10, the Darien Library has been given a blue dot, since it could use more parking. Mrs. Cameron agreed, noting that the Planning and Zoning Commission should be more conscious of parking issues as they move forward. Mr. Olvany said that the Hecker Avenue property just north of Stony Brook could provide for improved walkability from Town Hall to the Police Station and Library. Mr. Olvany said that the Town should consider acquisitions of property that encourage walking.

In response to a question, Mr. Chalder confirmed that the Town Plan will refer to the recently completed Schools Facility Study by Milone & MacBroom. First Selectman Jayme Stevenson explained that legislative changes can affect school facilities (such as ELP and pre-kindergarten). The potential for significant legislative changes and their impacts on Darien should be noted within the Town Plan. Mr. Olvany said that the Town needs to be proactive relative to proposed CGS 8-30g legislation.

Mrs. Cameron then noted that many Pedestrian Infrastructure Advisory Committee (PIAC) members are present tonight, and asked if they have any input. Mr. Pat Morrissey said that bikeability to recreation areas is important. Mr. Olvany asked if the Darien Public Works Department has a plan for sidewalks. Mr. Chalder said that he would check with Ed Gentile, DPW Director. Mr. Morrissey asked about “complete streets”, and whether that should be included in the Town Plan. Mrs. Stevenson said that DPW has a twenty year road repaving schedule, and they aim to pave four miles of road per year. Sidewalk rehabilitation does not follow the same schedule. They repair sidewalks based on need. The Board of Selectmen approves annual sidewalk rehabilitation funds.

Mr. Chalder said that parking will also be covered in Discussion Booklets 5B and 5C. In Darien, the Board of Selectmen is the Parking Authority. Mr. Olvany mentioned the parcel at the corner of Tokeneke Road and Old King’s Highway South. Mr. Chalder said that this parcel is well sited for many different possible uses. Mrs. Stevenson added that the State of Connecticut DOT is not interested in selling that parcel at this time.

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Ms. Harmon of the PIAC, then referred to page 24 of the discussion booklet entitled, "Improve Pedestrian Options". She said that the PIAC is also concerned with cyclists, and walking to schools needs to be considered. Mr. Olvany noted that the Board of Education bus policy also affects walking. Ms. Holly Schulz of the PIAC said that schools should be at the top of the list for sidewalks. Train stations should be shown on a map, even though they may not be in Darien. Mr. Chalder then reviewed bicycling information with the Commission, shown on page 26 of the discussion booklet. Mr. DiDonna had concerns regarding the bike route suitability shown on page 27. He then reviewed pages 28 and 29 regarding rail services and amenities. Mr. Voigt mentioned issues with taxi service at the Noroton Heights Station. Mr. Sini said that the taxis at the Darien Station contribute to congestion within the parking lot. Mrs. Stevenson said that additional bus shelters are needed in certain areas. Mrs. Stevenson explained that the State of Connecticut DOT is not willing to entertain long-term leases at this time.

Mr. Chalder asked the Commission about sewer service areas and whether they wish to establish "sewer avoidance areas". The State Statutes require that this issue be addressed. A brief discussion ensued. Mr. Chalder explained how Ridgefield handled the matter.

At about 11:05 p.m., Chairman Cameron read the following agenda item:

*Discussion, deliberation and possible decisions on the following:*

**Land Filling, Excavation, & Regrading Application #360, Sumeet Uppal & Diksha Bajaj, 33 Hollow Tree Ridge Road.** Proposal to obtain "after the fact" permits for construction of patios, retaining walls, and associated cutting, filling and regrading, and to perform related site development activities.

The following motion was made: That the Planning & Zoning Commission waive the process of reading all the draft resolutions aloud because each member has had an opportunity to review the drafts prior to the meeting. The motion was made by Mr. Sini, seconded by Mr. Cunningham and unanimously approved.

The following motion was made: That the Planning & Zoning Commission adopt the following revised resolution to approve the project subject to the conditions as noted. The motion was made by Mr. Voigt, seconded by Mr. DiDonna and unanimously approved. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
September 8, 2015**

Application Number: Land Filling & Regrading Application #360

Street Address: 33 Hollow Tree Ridge Road  
Assessor's Map #47 Lot #127

Name and Address of  
Applicant's Representative: Tessa Jucaite, PE  
TJ Engineering LLC

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117 Mamasco Road  
Ridgefield, CT 06877

Name and Address of Applicant & Sumeer Uppal and Diksha Bajaj  
Property Owner: 33 Hollow Tree Ridge Road  
Darien, CT 06820

Activity Being Applied For: Proposal to obtain “after the fact” permits for construction of patios, retaining walls, and associated cutting, filling and regrading, and to perform related site development activities.

Property Location: The subject property is situated on the west side of Hollow Tree Ridge Road, approximately 900 feet north of its intersection with Boston Post Road.

Zone: R-1/3

Date of Public Hearing: July 28, 2015 continued to September 1, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: July 17 & 24 and August 21 & 28, 2015

Newspaper: Darien News

Date of Action: September 8, 2015

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:  
September 18, 2015

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant and applicant’s representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to obtain “after the fact” permits for construction of patios, retaining walls, and associated cutting, filling and regrading, and to perform related site development activities.

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2. At the July 28 public hearing, Tessa Jucaite, Professional Engineer, explained that much of the work has already been started. This work involved cutting of trees and regrading of portions of the rear property to make flat areas and access stairways. Some corrective work actions are necessary to address the drainage and the unstable slopes. Commission members pointed out that the stairs need to be examined to be sure that they are safe and meet code.
3. Mrs. Bajaj, the property owner, noted that the work was not professionally done and now needs to be fixed to be safe for her and the family. She said that not much usable area has been created.
4. At the July 28 public hearing, the Commission asked that the applicant return on September 1 with additional information and more clearly illustrate existing and proposed conditions and any required safety measures that need to be implemented. Revised plans dated 08.21.15 were prepared in response to that request. Those revised plans show additional railings and stairs, and include further details regarding the patio.
5. As part of this application, the applicant proposes to install a rain garden to address stormwater management.
6. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
7. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling & Regrading Application #360 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Filling, excavation, and regrading and associated stormwater management work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
  - Stormwater Management and E&S Control Plan 33 Hollow Tree Ridge Rd., by TJ Engineering, dated 06.02.15 and last revised 08.21.15, Sheet 1.
  - Stormwater Management and E&S Control Plan 33 Hollow Tree Ridge Rd., by TJ Engineering, dated 06.02.15 and last revised 08.21.15, Sheet 2.
- B. Because the work is nearly complete, the Commission hereby waives the requirement for a performance bond.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted plans listed in Condition A, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

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- D. A Drainage Report from TJ Engineering, LLC was submitted to the Planning and Zoning Office as part of this application. A drainage maintenance plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Darien Land Records or with the Planning and Zoning Commission file on this matter. The maintenance plan shall require the property owner and all subsequent property owners of 33 Hollow Tree Ridge Road to maintain the drainage facilities per the maintenance plan.
- E. A related “Notice of Drainage Maintenance Plan” shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the resumption of any on-site filling or regrading work requested herein and prior to the issuance of a Zoning and Building Permit for the proposed brick patio, retaining wall, and stairs.
- F. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. **It is critical that commencing immediately and throughout the development of the site, even before the final drainage system is installed, the applicant must properly manage storm water runoff to avoid negative impacts to the neighbors** and/or the street.
- G. Prior to the request for the Certificate of Zoning Compliance for the patio, retaining wall, and stairs, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management and grading in the yard have been completed in compliance with the approved plans referred to in Condition A, above.
- H. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. A Zoning and Building Permit will be required for the patio, retaining wall, and stairs.
- I. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- J. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 8, 2016). This may be extended as per Sections 858 and 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these conditions and the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next sixty days, and prior to the resumption of work and the issuance of a Zoning or Building Permit in order to finalize this approval.

Chairman Cameron then read the following agenda item:

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**Land Filling & Regrading Application #361, Kevin & Elizabeth Murphy, 267 Brookside Road.**  
Proposing to shift the existing driveway to the south, in order to improve sight lines and reduce the steepness of the driveway, and to perform related site development activities.

Mr. Voigt noted that some date changes were needed in the draft resolution. The following motion was made: That the Planning & Zoning Commission adopt the following revised resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. DiDonna and unanimously approved, with Mr. Sini abstaining, since he was not at the public hearing on this matter. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
September 8, 2015**

Application Number: Land Filling & Regrading Application #361

Street Address: 267 Brookside Road  
Assessor's Map #5 Lot #18

Name and Address of Applicant's Representative:	Doug DiVesta DiVesta Civil Engineering Associates, Inc. 51 Painter Ridge Road Roxbury, CT 06783
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Name and Address of Applicant & Property Owner:	Kevin & Elizabeth Murphy 267 Brookside Road Darien, CT 06820
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Activity Being Applied For: Proposing to shift the existing driveway to the south, in order to improve sight lines and reduce the steepness of the driveway, and to perform related site development activities.

Property Location: The subject property is located on the west side of Brookside Road approximately 750 feet north of its intersection of Three Wells Lane.

Zone: R-2

Date of Public Hearing: September 1, 2015

Time and Place: 8:00 P.M.      Room 206      Town Hall

Publication of Hearing Notices  
Dates: August 21 & 28, 2015

Newspaper: Darien News

Date of Action: September 8, 2015

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:

Newspaper: Darien News



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September 18, 2015

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to shift the existing driveway to the south, in order to improve sight lines and reduce the steepness of the driveway, and to perform related site development activities. This is an “after the fact” permit, as the driveway relocation and grading is nearly complete.
2. At the public hearing, the applicant’s engineer explained the proposal to the Commission. He noted that the new driveway has better sight lines onto Brookside Road and a gentler slope than the previous driveway.
3. The Town of Darien Inland Wetland and Watercourses Map shows that wetlands might be in the vicinity of the new driveway. Appendix A of the submitted Site Engineering Report dated July 2015 contains a Wetlands Delineation report from a Soil Scientist demonstrating to the satisfaction of the staff of the Environmental Protection Commission (EPC) that there are no actual wetlands within 50 feet of the regrading for the new driveway, thus a permit from the EPC is not needed for the new driveway. However, some additional filling and regrading took place to the west of the driveway. That regrading is unrelated to the driveway and does need review and action by the EPC. The Environmental Protection Commission is currently processing a pending application (EPC #25-2015) and they will determine if that additional filling and regrading can remain within the regulated area around the wetlands in the rear of the property.
4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling & Regrading Application #361 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

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- K. Filling, excavation and regrading work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
- Proposed Site Plan Murphy Residence 267 Brookside Road, by DiVesta Civil Engineering Associates, Inc., dated and revised 07/17/15.
  - Zoning Location and Topographic Survey 267 Brookside Road, Kevin J. Murphy Elizabeth Murphy, by William W. Seymour & Associates, last revised June 26, 2015.(this driveway shows the driveway in its new location).
- L. Because of the minor nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- M. A Site Engineering Report from DiVesta Civil Engineering Associates, Inc dated July 2015 was submitted to the Planning and Zoning Office as part of this application. That report notes that the new driveway will have a slightly larger amount of impervious surface than the existing driveway, and the change is approximately 449 square feet. Because of the relatively minor amount of new impervious surface, the Commission hereby waives the requirement for stormwater management.
- N. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes, but is not limited to, a Street Opening Permit from the Public Works Department.
- O. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- P. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (September 8, 2016). This may be extended as per Sections 858 and 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these conditions and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within the next sixty days in order to finalize this approval.

Chairman Cameron read the following agenda item:

**Approval of Minutes**

*July 14, 2015 General Meeting/Public Hearing*

Mr. Sini made a motion to approve the draft minutes as written. That motion was seconded by Mr. Cunningham, and approved by a vote of 4-0, with Mr. Voigt and Mr. Olvany abstaining, since they were not at that meeting.

At about 11:10 p.m., Chairman Cameron read the following agenda item:

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**Discussion, deliberation and possible decision on the following:**

By Order dated November 19, 2014 in the matter of *Christopher & Margaret Stefanoni v. The Darien Planning and Zoning Commission* – Docket No.: HHB-CV-11-5015368S (the “Appeal”), and the related case of *Gregory v. Darien Planning and Zoning Commission* Docket No.: CV-13-6023798S Judge Henry Cohn remanded the matter back to the Darien Planning & Zoning Commission for an amendment to the Commission’s October 29, 2013 resolution to specify an approved number of units or a range of numbers of units, based on the record. The legal notice for the original application read as follows:

**Affordable Housing Application Under CGS 8-30g (#1-2010), Site Plan Application #277, Land Filling & Regrading Application #247, Christopher & Margaret Stefanoni, 57 Hoyt Street.** Proposing to construct 16 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in a new building with associated parking and regrading, and to perform related site development activities.

Mr. Olvany and Mr. Sini left the room and the meeting, since they have been recusing themselves on this matter.

Mr. Ginsberg then explained that a revised draft resolution was given to Commission members on Friday. He then outlined the considerations within the resolution, and traffic and pedestrian safety and fire safety issues. He said that the Commission originally approved four units, then in the first remand, approved eight units. The smaller building to be approved in the draft resolution would allow for larger units.

Mr. DiDonna confirmed that the approval went from eight units which were approved as part of the first remand, to a range of 6-9 units as outlined within the draft resolution. Mr. DiDonna commented on the accident history in this area of Hoyt Street, and he was not agreeable to extra units in light of that safety issue. Mr. Cunningham agreed, stating that he was not comfortable with a nine unit approval. Mr. DiDonna said that the smaller building envelope addresses the fire safety issues. Mr. Ginsberg mentioned that higher traffic volumes on Hoyt Street is not a reason outlined within the resolution for this modification, but the accidents in the area. Mrs. Cameron said that there is a safety need to get parked vehicles, delivery and UPS vehicles off of the road and provide associated turn around areas.

Mr. Cunningham said he is not agreeable to more than eight units, and that eight units is his limit, using the same criteria as in the past--the data is not changing. Mrs. Cameron said that in her opinion, there is not a big difference between eight and nine units. She added that overall, this is not a good site for higher density housing. She said that parking on Hoyt Street is unsafe, and the accident data bears that out. Mr. DiDonna agreed that there are sight line issues, and the supplemental information provided during this remand clearly show that the previous safety issues outlined by the Commission have continued over the past year. He also said that he would not approve more than eight units.

Mr. Voigt said that eight units was a reasonable compromise in light of the safety issues, and these are not hypothetical dangers, but actual dangers. He said that one needs to see the site to understand the existing safety concerns. Every additional unit creates additional risk to known dangers. Mrs. Cameron said that there has been no viability argument presented by the applicant. Mr. Voigt said that the draft resolution should be changed to go from a range of 6-9 units approved to 6-8 units approved. He also had some other suggested changes to the draft, including typographical issues. He asked Mr.

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Ginsberg to check the commentary on the State Statutes which was included in the draft resolution. He also had a question regarding the size of the units, as referred to on page 12 on the draft. Mr. DiDonna and Mrs. Cameron also had suggested minor changes to the draft resolution.

After some discussion, it was agreed that Mr. Ginsberg should revise the draft, and return to the Commission with a modified draft resolution at a Special Meeting to be held on Tuesday, September 22, 2015 at 8:00 pm in Town Hall, where the four seated Commission members will be present. This is the soonest which this can occur, since Mr. Cunningham is not available on September 15.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. Cunningham, seconded by Mr. DiDonna and unanimously approved. The meeting was adjourned at 11:30 P.M

Respectfully submitted,

Jeremy B. Ginsberg  
Planning & Zoning Director

David J. Keating  
Planning & Zoning Assistant Director

*09.08.2015min*